

14CV9538
Judge PauleyJS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Michael D. Gibbons

DEFENDANTS

Martin Shkreli and Retrophin, Inc.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Charles J. Hyland, Hyland Law Firm, LLC
7300 W. 110th St., Suite 930
Overland Park, KS 66210
(913) 498-1911

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Exchange Act Section 16(b), 15 U.S.C. Section 79p(b)

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	REAPPORTIONMENT
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	21 USC 881	28 USC 157	[] 410 ANTITRUST
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	[] 690 OTHER		[] 430 BANKS & BANKING
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 450 COMMERCE
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[] 460 DEPORTATION
ENFORCEMENT	LIABILITY			PROPERTY RIGHTS	[] 470 RACKETEER INFLU-
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		[] 820 COPYRIGHTS	ENCED & CORRUPT
MEDICARE ACT	[] 345 MARINE PRODUCT			[] 830 PATENT	ORGANIZATION ACT
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD		[] 840 TRADEMARK	(RICO)
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING			[] 480 CONSUMER CREDIT
STUDENT LOANS	[] 355 MOTOR VEHICLE			SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV
(EXCL VETERANS)	PRODUCT LIABILITY				[] 850 SECURITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395ff)	COMMODITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE		[] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	STANDARDS ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY
[] 160 STOCKHOLDERS			[] 720 LABOR/MGMT	[] 865 RSI (405(g))	ACTIONS
SUITS		PRISONER PETITIONS	RELATIONS		[] 891 AGRICULTURAL ACTS
[] 190 OTHER		[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT		
CONTRACT	ACTIONS UNDER STATUTES	[] 510 MOTIONS TO	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	
CONTRACT	CIVIL RIGHTS	VACATE SENTENCE	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	[] 893 ENVIRONMENTAL
PRODUCT		28 USC 2255		Defendant)	MATTERS
LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF
[] 196 FRANCHISE	(Non-Prisoner)	[] 535 DEATH PENALTY	LITIGATION	26 USC 7609	INFORMATION ACT
		[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC		[] 896 ARBITRATION
			SECURITY ACT		[] 899 ADMINISTRATIVE
REAL PROPERTY		PRISONER CIVIL RIGHTS	IMMIGRATION		PROCEDURE ACT/REVIEW OR
[] 210 LAND	[] 441 VOTING		[] 462 NATURALIZATION		APPEAL OF AGENCY DECISION
CONDEMNATION	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	APPLICATION		[] 950 CONSTITUTIONALITY OF
[] 220 FORECLOSURE	[] 443 HOUSING/	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION		STATE STATUTES
[] 230 RENT LEASE &	ACCOMMODATIONS	[] 560 CIVIL DETAINEE	ACTIONS		
EJECTMENT	[] 445 AMERICANS WITH	CONDITIONS OF CONFINEMENT			
[] 240 TORTS TO LAND	DISABILITIES -				
[] 245 TORT PRODUCT	EMPLOYMENT				
LIABILITY	[] 446 AMERICANS WITH				
[] 290 ALL OTHER	DISABILITIES -OTHER				
REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23
DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ >100,000 OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Michael D. Gibbons
 688 S.W. Bayberry Lane, Ste. 104
 Lee's Summit, MO 64063
 Jackson County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Martin Shkreli
 c/o Retrophin, Inc.
 777 Third Avenue, 22nd Floor
 New York, NY 10017
 New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT)

DATE SIGNATURE OF ATTORNEY OF RECORD
 RECEIPT # *Chesley 12/4/14*

ADMITTED TO PRACTICE IN THIS DISTRICT
 [] NO
☒ YES (DATE ADMITTED Mo. 11 Yr. 2008)
 Attorney Bar Code # CH2561

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Save